

ON BEHALF OF Z-TEL COMMUNICATIONS, INC.

REBUTTAL TESTIMONY OF MICHAEL REITH

1

2

3 **Q. COULD YOU PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

4 **A.** My Name is Michael Reith. I am the ^{of} Direct Industry Policy of Z-Tel
5 Communications. My business address is 601 S. Harbour Island Boulevard,
6 Tampa, Florida.

7

8 **Q. ARE YOU THE SAME MICHAEL REITH THAT SUBMITTED DIRECT**
9 **TESTIMONY IN THIS PROCEEDING?**

10 **A.** Yes.

11

12 **Q. PLEASE BRIEFLY THE PURPOSE OF YOUR TESTIMONY.**

13 **A.** The primary purpose of my rebuttal testimony is to respond to the testimony
14 prefiled by Glen Sirles of Ameritech. Also, Z-Tel has moved to strike the
15 testimony of Dr. Debra Aron. If Dr. Aron's testimony is admitted, I offer
16 testimony in rebuttal to her testimony.

17

18 There are three main parts of my testimony in response to the points made by Mr.
19 Sirles. First, I want to point out several key points made by Mr. Sirles on what
20 line loss information Ameritech provides to its retail operations. Second, Mr.
21 Sirles discusses problems that Z-Tel was having in May and June 2001, and
22 suggests, incorrectly, that the problems were the fault of Z-Tel. Third, Mr. Sirles
23 discusses Ameritech's performance in delivering line loss information during

1 March 2002. I respond to Mr. Sirles' claims that Ameritech was delivering line
2 loss information to Z-Tel that was 96% accurate and timely.

3 With respect to Dr. Aron, I point out that there are at least 5 state
4 commissions that I am aware of that are currently investigating whether
5 "Winback" marketing efforts by incumbent local exchange carriers should be
6 banned.

7
8 **Q. HAS AMERITECH INDICATED, IN YOUR OPINION, THAT**
9 **AMERITECH PROVIDES LINE LOSS INFORMATION TO ITS OWN**
10 **RETAIL OPERATIONS THAT IS MORE FAVORABLE THAN THE**
11 **LINE LOSS INFORMATION THAT AMERITECH PROVIDES TO Z-**
12 **TEL?**

13 **A.** If I understand Mr. Sirles' testimony, he makes it clear that 1) Ameritech provides
14 "836" line loss notices to its own retail operations, even though the retail
15 operations do not use the 836 notices; 2) that the "836" line loss notices provided
16 to Ameritech's retail operations contain data fields or information that Ameritech
17 does not provide to Z-Tel; 3) that the 836 line loss notices provided to Z-Tel have
18 been riddled with problems for over a year; 4) that Ameritech provides other line
19 loss reports to Ameritech's retail operations that are more timely and more
20 accurate than the line loss information that Ameritech provides to Z-Tel; and 5)
21 that Ameritech uses the other line loss information to trigger Winback marketing
22 efforts.

23

1 **Q. WHY DO YOU BELIEVE THAT AMERITECH PROVIDES "836" LINE**
2 **LOSS NOTICES TO ITS OWN RETAIL OPERATIONS, EVEN THOUGH**
3 **AMERITECH DOES NOT USE THOSE NOTICES?**

4 **A.** Mr. Sirles indicates on page 5 of his testimony that "836 line loss notifications"
5 are generated when Ameritech Illinois is the losing carrier, but that these notices
6 are "not used by Ameritech Illinois' retail operations." (Lines 107-111.)
7 According to Mr. Sirles, 836 line loss notices are generated when an Ameritech
8 customer migrates to Z-Tel (or another carrier) in the same way that an 836 line
9 loss notice is generated when a Z-Tel customers migrates to Ameritech. Mr.
10 Sirles also acknowledges that the 836 line loss notice generated for Ameritech's
11 retail operations contain a data field that tells Ameritech's retail operations when
12 Z-Tel is the carrier to which the customer switched.

13
14 **Q. IS THAT INFORMATION (THE NAME OF THE CARRIER TO WHICH**
15 **A Z-TEL CUSTOMER MIGRATES) IN THE 836 LINE LOSS NOTICES**
16 **PROVIDED TO Z-TEL?**

17 **A.** No its not, and the fact that Ameritech's retail operations receive an 836 Line
18 Loss Notice with that field makes it clear that Ameritech is providing 836 Line
19 Loss Notices that are different than the 836 Line Loss Notices that Ameritech
20 provides to Z-Tel. Mr. Sirles claims that their retail units "were advised not to
21 use the 836 Reports" with this information (the name of the carrier to whom a
22 customer was switched) but the report that Z-Tel receives from Ameritech does
23 not even show a field where that information would appear. Attached as Exhibit

1 6.1 to this testimony is an example of the 836 Line Loss Report that Z-Tel
2 receives. As can be readily seen, there is no field indicating the carrier that the Z-
3 Tel customer switched to.

4
5 **Q. DOES THE AMERITECH LINE LOSS NOTICE THAT AMERITECH'S**
6 **RETAIL OPERATIONS USE TO GENERATE WINBACK MARKETING**
7 **MATERIAL ORIGINATE FROM THE SAME DATABASE THAT IS**
8 **USED TO CREATE THE 836 LINE LOSS NOTICE GIVEN TO Z-TEL?**

9 **A.** Not according to Mr. Sirles. According to Mr. Sirles "Ameritech's retail business
10 units were required to obtain their line loss data from other databases within the
11 company that were not specific to wholesale." This is a clear indication to me
12 that Ameritech is generating information for its own retail business units from
13 databases that are distinct from the databases that are used to provide line loss
14 notice to Z-Tel. We have asked for discovery on what the differences are in
15 inputs, storage, processing and information that used from those databases.
16 Ameritech has not provided us that information in their discovery requests.
17 However, it is clear that Ameritech is providing different information from
18 different sources for its own retail operations.

19
20 **Q. MR. SIRLES REFERS TO THE TIMELINE IN YOUR DIRECT**
21 **TESTIMONY AND REFERS TO THE PERIOD FROM MAY 2, 2001**
22 **THROUGH JUNE 15, 2001 (Sirles Direct, pp. 13 - 14, lines 353 - 370.) MR.**

1 **SIRLES INDICATES THAT THE FAILURE OF THE LINE LOSS WAS**
2 **DUE TO Z-TEL'S VENDOR (LAUNCH NOW) IS THAT TRUE?**

3 A. That is not true. In fact there is a May 18, 2002 email from Mike Scipio that
4 acknowledges that the problems during that time were Ameritech's fault. What
5 happened was that Z-Tel had requested Ameritech to change the way it delivered
6 firm order commitment notices (FOC) to the Z-Tel by facsimile to our Atmore
7 offices. Ameritech not only changed the Z-Tel profile to have the FOC notices
8 sent by facsimile, but also inadvertently changed our profile to send 836 Line
9 Loss Notices by facsimile to our Atmore offices. We did not request this, and the
10 cause of the problem during that period of time was Ameritech. Attached is a
11 copy of the email where Mike Scipio acknowledges this.

12
13 **Q. MR. SIRLES DISCUSSES THE PROBLEMS AMERITECH HAD IN**
14 **MARCH 2002 DELIVERING 836 LINE LOSS NOTICES TO Z-TEL. MR**
15 **SIRLES INDICATES THAT LINE LOSS REPORTS WERE DELIVERED**
16 **TO Z-TEL WITHIN 24 HOURS (DURING THE PERIOD FROM MARCH**
17 **1 THROUGH MARCH 14) 96% OF THE TIME. IS THAT ACCURATE?**

18 A. No. The Line Loss file we received on March 13th that Mr. Sirles refers to, was
19 not sent within 24 hours of the loss. The Line Loss dates in the file range from
20 February 12, 2002 to March 12, 2002. Of the records that related to lost lines in
21 Illinois, 55% were over 6 days old.

1 Q. DR. ARON DISCUSSES THAT WINBACK MARKETING EFFORTS
2 SHOULD BE EVALUATED BASED ON THEIR ANTICIPATED
3 EFFECTS ON CONSUMERS. ARE YOU AWARE OF ANY
4 PROCEEDINGS IN OTHER STATES IN WHICH THE STATE PUBLIC
5 SERVICE COMMISSIONS ARE INVESTIGATING THE BENEFITS OR
6 ANTICOMPETITIVE NATURE OF INCUMBENT LOCAL EXCHANGE
7 CARRIER WINBACK EFFORTS?

8 A. Yes. I understand that the public service commissions in Texas, Kansas, Ohio
9 and Pennsylvania are investigating whether to impose some restrictions on
10 Winback marketing efforts by local exchange carriers. I also understand that
11 Georgia has imposed an order limiting BellSouth's Winback marketing campaign.
12

13 Q. DOES THAT CONCLUDE YOUR TESTIMONY?

14 A. Yes.

ICC Docket No. 02-0160
Z-Tel Exhibit 6.1

Working TN	Date Sent	Date Due	ACNA Code	Account Number	Circuit Number	Order Number
708xxxxxxxx	20020304	20020302	ZXX	708xxxxxxxx		Dxxxxxxxxxx
630xxxxxxxx	20020304	20020301	ZXX	630xxxxxxxx		Dxxxxxxxxxx

5/18/01

Williams, Sandra E.

From: SCIPPIO, MICHAEL M. (AIT) [ms3172@sbc.com]
Sent: Friday, May 18, 2001 3:27 PM
To: 'Williams, Sandra E.'; 'richard.m.white@accenture.com'
Cc: 'Carl.H.Wengelewski@accenture.com'; Silvestri, Jody; Rubino, John J; Walters, Ron; Gay, Stephen G.; Pledger, Tracy M.
Subject: RE: URGENT REQUEST - FW: Daily 836 Report for 2001:05:14.AITlinel oss. txt



Mike.doc

ICC Docket No. 02-0160
Z-Tel Exhibit 6.2

Team:

I believe I have been able to determine the disconnect. About 2 weeks ago, there was a request from ZTEL to have transactions sent to a specific fax. After a number of discussions with ZTEL and myself, we concluded this fax number should be removed from our tables and all 836s should be generated via EDI. Yesterday as I was investigating why your file reports were blank, I had an analyst pull the actual file we were sending you and I confirm all necessary data was in the file. However, when I commenced a file tracing process, it was discovered the files were bumped up against an EDI to fax code. The same fax number that I requested we remove from our tables. It was discovered instead of having the fax number removed, it was made inactive. As a result, after looking at all tables for outbound transactions, I discovered active fields that still housed the EDI to Fax code. I have since removed all insertions of the fax code and I am confident this should remedy the situation. I am working now with our application support to develop a query that would identify all 836 transactions generated to you between 5/7 and 5/18. I will attempt to have this available by COB on Monday. Let me know if I need to expand or adjust the time parameters. As a sanity Q&A process, I will work with Richard next week to track and confirm transactions until we are sure all transactions are being generated via EDI and received successfully. Let me know if there are any questions or additional concerns. Thank you.

Michael Scipio
312.867.5463 ofc
877.321.7084 pg

Here are the 836s that you requested. I did notice that these went out by that fax number 3344462225L.

-----Original Message-----

From: Williams, Sandra E. [mailto:SWilliams@Z-TEL.com]
Sent: Thursday, May 17, 2001 1:40 PM
To: 'richard.m.white@accenture.com'; SCIPPIO, MICHAEL M. (AIT)
Cc: 'Carl.H.Wengelewski@accenture.com'; Silvestri, Jody; Rubino, John J; Walters, Ron; Gay, Stephen G.; Pledger, Tracy M.
Subject: RE: URGENT REQUEST - FW: Daily 836 Report for 2001:05:14.AITlinel oss. txt
Importance: High

Hi Richard and Michael
Just checking in for an update on the empty data file issue? Have you been able to find out where the problem lies? I would appreciate a status by the end of today.

Thank you both for your continuing efforts.

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